

Tuesday, January 31, 2012

USPTO
PETITIONS ACCOUNTING
DIVISION
2012 FEB -1 AM 8:54

Mail Stop PETITIONS
Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

Sir,

I have a patent entitled "Lift Generation by Counter-Rotating Line Vortices," Its Patent Number is: 5954295.

It was with interest that I read a letter from the Patent Office stating that my petition to accept delayed payment of the maintenance fee was "**dismissed**." I never submitted a petition for that purpose. It appears that I am being confused with someone else. And I am not submitting one now.

I am paying the surcharge and whatever is left of any other fees due. As I agreed with the USPTO finance department associated attorney.

When I sent in my 3rd maintenance fee of \$2055 for my patent I also sent along a \$50 payment on a \$1640. promissory note that I hand included with the paper work for the maintenance fee. That \$50 dollars is still in the USPTO's possession.

That was not a petition to the USPTO to accept delayed payment of maintenance fees. It was a delayed payment on the maintenance fee.

On January 27, 2012 at about 12:30 PM I talked to an attorney associated with the Patent Office's Finance Group to discuss the amount of money that I need to remit to the Patent and Trademark Office to take care of the \$1640. surcharge on the 11 ½ or 12 year maintenance fee on my patent.

The ultimate resolution of the issue that was arrived at was this:

Eleven and Half Year Fee	\$ 2350.00
Surcharge Fee	\$ 1640.00
Total Demanded Fee	\$ 4005.00

Minus	
Already Remitted Fees	\$ 2105.00

Remaining Fees due	\$ 1900.00
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02/06/2012 DALLEN 00000009 5954295

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1900.00 OP



The maintenance fee was sent by USPS Express Mail at 4:47 PM on September 25, 2011 using USPS Express Mail tracking form number: EG 961014881 US. That was 1 day before the surcharge fee of \$1640 and the maintenance fee was set to rise from \$2055. to \$2350.

"An inch is as good as a mile" as the saying goes. That is especially true when using the USPS's Express Mail service.

Since the fee and the paper work was sent to the Director of the USPS using Express Mail the effective filing of the paper work was September 25, 2011, and the maintenance fee on my patent of \$2055 was locked in as was the surcharge fee at \$1640.

With regard to my response to the patent revival demand letter I am remitting the balance of the \$4005. fee that was demanded for the revival. That balance is \$1900 as stated above and thus retiring the shortage claimed in the attached copy of the letter that was sent by the USPS.

The attorney that I talked to on September 27, 2012 told me that \$1900 was the fee needed for revival of the patent and that is what I have remitted.

I would point out also that \$2350 is not applicable because the maintenance fee was remitted while the fees was yet \$2055.

If the issue of timeliness of the maintenance fee arises, one needs only inquire of the US government as to its schedule of its remittance to me. That money paid to me by the government that ended up getting to me one day too late for timely remittance. No fancy lawyers are needed to ascertain the source of the funds and the date that they were dispersed.

Another point is this: I paid the surcharge fee to the USPS when it was yet \$65 dollars. It apparently kicked it back apparently in the hopes that it might get a larger fee later.

What counts with regards to the fees paid is the dates when they were paid and when the paperwork was filed. Rejecting the surcharge because at the time it just wasn't yet large enough to suit the "back room" isn't a good enough reason for rejecting it.

Regards,

Virgil Olson
Inventor
Patent Number 5954295

(2)

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VIRGIL DALE OLSON
PO BOX 1006
CAMPBELL CA 95009-1006

MAILED

DEC 01 2011

OFFICE OF PETITIONS

In re Patent No. 5,954,295
Issued: September 21, 1999
Application No. 09/024,749
Filed: February 17, 1998
Attorney Docket No. none

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed September 25, 2011, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is not a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks items (2) and (3) listed above.

With regards to items (2) and (3), petitioner has submitted \$2,105.00 towards the required \$2,365.00 small entity eleven and a half year maintenance fee and required \$1,640.00 surcharge, thus creating a shortage of \$1,900.00. Therefore, as stated above a \$400.00 petition fee is also required for any petition for reconsideration, bringing the total to \$2300.00. Additionally, it should be noted that the new fee schedule became effective September 26, 2011.

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571 272 6500
571 1-202 788 615

If this petition is not renewed or if renewed and not granted, then petitioner may request a refund of the maintenance and surcharge fees paid. The fee for requesting reconsideration is not refundable.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571)-272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

With regard to the response
patent reversal option. I am sending
\$1,960 balance on 1/900
the maintenance 2365 + 540 - \$105
fee & surcharge. (P)
5



EG 961014881 US

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FROM: (PLEASE PRINT) PHONE (408) 401-4561

*Virgil Olson
P.O. Box 664
Campbell CA 95009*

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2051 JAMIESON AVE SUITE 300
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